IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2935 OF 2005

Rahul Rajkumar Sood ..Petitioner.

Versus

Sau. Madhu Rajkumar Sood & Ors. ..Respondents.

Mr. S.S. Hardikar for the Petitioner.

CORAM : S. A. BOBDE, J.

DATED : 27TH JUNE, 2005.

P.C.:

. The Petitioner has challenged the order passed below Exhs.49 and 50 in Special Civil Suit No. 90/2001, by which the Respondent has been allowed to carry out the amendment. According to the Petitioner, the Respondents ought not to have been allowed because he first carried out the amendment and then applied for amendment. On going through the impugned order, it is clear that this mistake was frankly admitted by the learned counsel for the Respondents before the

trial court, who stated that it arose because of the wrong interpretation of the order under Exh. 34. Exh. 34 was an application filed by the petitioner himself by which he had sought inclusion of property being C.S. No. 697. When this application by the petitioner was allowed, the learned counsel for the respondents mistakenly thought that he has been directed to include C.S. No. 697 and accordingly included it. Later on realising his mistake, he applied for amendment. In the circumstances, there is no material irregularity, resulting in miscarriage of justice. There is no reason to interfere. Petition is, therefore, dismissed.

(S.A.BOBDE,J.)

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